

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM ROSS,

Plaintiff,

v.

JOHN DOES,

Defendants.

CASE NO. C16-5469 RJB-KLS

ORDER TO SHOW CAUSE OR TO  
AMEND

Before the Court for review is Plaintiff William Ross's proposed civil rights complaint. Dkt. 5. Plaintiff has been granted leave to proceed *in forma pauperis*. Dkt. 4. The Court has determined that it will not direct service of plaintiff's complaint at this time because it is deficient. However, plaintiff will be given an opportunity to show cause why his complaint should not be dismissed or to file an amended complaint **by August 12, 2016**.

**BACKGROUND**

Plaintiff is presently incarcerated at the Stafford Creek Corrections Center (SCCC). He alleges that on June 19, 2015, when he was incarcerated at the Coyote Ridge Corrections Center (CRCC), he slipped and fell on a wet floor in the kitchen where he was working and hit his head. He was not sent to medical until his shift was over. At that time, unidentified medical personnel allegedly made an unprofessional and inaccurate diagnosis. On June 21, 2015, plaintiff alleges

1 that he began to suffer pains in his left wrist and was feeling light headed, dizzy and had blurred  
2 vision. He was told by unidentified medical staff that if he got worse, he should let them know.  
3 Dkt. 5 at 4. Plaintiff claims that this behavior is unprofessional and seeks \$80,000.00 in  
4 damages. *Id.*

### 5 DISCUSSION

6 The Court declines to serve the complaint because it contains fatal deficiencies that, if not  
7 addressed, might lead to a recommendation of dismissal of the entire action for failure to state a  
8 claim upon which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(b)(ii), 1915A(b)(1).

9 Plaintiff's complaint is brought under § 1983. To state a claim under § 1983, a plaintiff  
10 must allege facts showing (1) the conduct about which he complains was committed by a person  
11 acting under the color of state law; and (2) the conduct deprived him of a federal constitutional  
12 or statutory right. *Wood v. Ostrander*, 879 F.2d 583, 587 (9th Cir. 1989). In addition, to state a  
13 valid § 1983 claim, a plaintiff must allege that he suffered a specific injury as a result of the  
14 conduct of a particular defendant, and he must allege an affirmative link between the injury and  
15 the conduct of that defendant. *Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976).

16 Plaintiff names only "John Does" as plaintiffs. In his complaint, he refers only to  
17 unidentified "medical" staff as failing to treat his injuries. However, to obtain relief against a  
18 defendant under 42 U.S.C. § 1983, a plaintiff must prove that a particular named defendant has  
19 caused or personally participated in causing the deprivation of a particular protected  
20 constitutional right. *Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir. 1981); *Sherman v. Yakahi*,  
21 549 F.2d 1287, 1290 (9th Cir. 1977). A plaintiff must set forth specific facts showing a causal  
22 connection between each defendant's actions and the harm allegedly suffered by plaintiff.  
23 *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980).

1 In addition, this Court cannot serve a complaint on unnamed parties. It is not enough to  
2 sue the entire CRCC medical department. Instead, plaintiff must name a particular defendant or  
3 defendants and he must also be able to allege facts sufficient to show that the particular  
4 defendant or defendants caused or personally participated in causing the deprivation of a  
5 particular protected constitutional right.

### 6 CONCLUSION

7 Due to the deficiencies described above, the Court will not serve the complaint. Plaintiff  
8 may show cause why his complaint should not be dismissed or may file an amended complaint to  
9 cure, if possible, the deficiencies noted herein, **on or before August 12, 2016**. If an amended  
10 complaint is filed, it must be legibly rewritten or retyped in its entirety and contain the same case  
11 number. Any cause of action alleged in the original complaint that is not alleged in the amended  
12 complaint is waived. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9<sup>th</sup> Cir. 1997) *overruled in*  
13 *part on other grounds*, *Lacey v. Maricopa County*, 693 F.3d 896 (9<sup>th</sup> Cir. 2012).

14 The Court will screen the amended complaint to determine whether it states a claim for  
15 relief cognizable under 42 U.S.C. 1983. If the amended complaint is not timely filed or fails to  
16 adequately address the issues raised herein, the Court will recommend dismissal of this action as  
17 frivolous pursuant to 28 U.S.C. § 1915 and the dismissal will count as a “strike” under 28 U.S.C.  
18 § 1915(g). Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three  
19 or more civil actions or appeals which are dismissed on grounds they are legally frivolous,  
20 malicious, or fail to state a claim, will be precluded from bringing any other civil action or  
21 appeal in forma pauperis “unless the prisoner is under imminent danger of serious physical  
22 injury.” 28 U.S.C. § 1915(g).

1       **The Clerk is directed to send Plaintiff the appropriate forms for filing a 42 U.S.C.**  
2 **1983 civil rights complaint and for service, a copy of this Order and the Pro Se Information**  
3 **Sheet.**

4       **DATED** this 18<sup>th</sup> day of July, 2016.

5  
6       

7       Karen L. Strombom  
8       United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24